HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 519 of 2005

Appellants	1.	Jai Prakash Verma S/o Mohit Ram, aged 42 years.
	2.	Smt. Chandrakala W/o Jai Prakash Verma, aged 35 years.
		Both R/o Village & Post – Ganiyari, P.S. Kota, District- Bilaspur.
	Versus	
Respondents	1.	Pravin Choukse S/o Gajendra Choukse (owner) Choukse Sai Travels Vehicle No. CG 10 ZA 0220 R/o 27 Kholi Vikas Nagar, Tahsil and District- Bilaspur (C.G.).
	2.	Ravi Singh @ Hetram S/o Not known (driver) R/o Village- Kalar Tarai, Post- Kargi Road Kota, P.S. Kota, District- Bilaspur (C.G.).
	3.	Oriental Insurance Company Ltd. Through- Branch Manager, Oriental Insurance Company Ltd. High Court Road, Bilaspur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Indrasen Sahu, Advocate for the appellants.

Mr. Prashant Jayaswal, Senior Advocate with Shri Amiyakant Tiwari, Advocate for the Respondent No.3.

ORAL ORDER

(28th November 2005)

1. Learned counsel for the appellant would contend that in assessing loss of dependency the Tribunal is not justified in taking the annual income of the deceased as Rs. 15000/-. According to learned counsel, the deceased was earning monthly income of Rs. 3000/-. It was next contended by learned counsel that the

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M.A.C.T. is not justified in not awarding any compensation for loss of love and affection and loss to the estate. It needs to be noticed that in a death case, the parents/claimants are entitled to claim reasonable compensation under the head of 'loss to the estate' as well as 'loss of love and affection (loss of filial love)'. In the instant case, no compensation is awarded under the aforementioned two heads.

2. Having regard to the age of the deceased and age of the parents and facts and circumstances of the case, we think it just and proper to award sum of Rs. 15,000/- under the head loss of love and affection (filial love) and sum of Rs. 20,000/- towards loss to the estate. The impugned award accordingly shall stand modified. In all other respects, the impugned award shall remain unaltered. No costs.

Sd/-
Chief Justice
Judge

Sd/-
Satish K. Agnihotri
Judge